

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

LUIS A. ACEVEDO GARCIA, ET ALS.

Plaintiffs

vs.

**HON. ROBERTO VERA-MONROIG,
ET ALS.**

Defendants

Civil No.: 97-2639(JP)

MOTION

TO THE HONORABLE COURT:

COMES NOW plaintiffs, through the undersigned attorney, who very respectfully states and prays as follows:

For reasons unknown to us once again defendants failed to comply with the agreements reached at the conference held in chambers on February 28, 2008.

On January 16, 2008 this Honorable Court issued an order (524) directed to defendants to deposit the amount of \$10,596.53 and the interest at the prevailing rate from the date the Judgment was entered, March 8, 2002. Defendants paid the amount owed of \$10,596.53 but chose not to include the interest. This provoked our February 12, 2008 motion (537). Defendants then in response to our motion filed a motion entitled "Second Motion in Compliance" (538) in which they state that the payment of the interest was sent to us on February 15, 2008. As of today we have not received this check. We called counsel Quiñones-Carasquillo and she informed us that the check was sent by certified mail and gave us a number to track the certified letter in which the check was supposedly

sent. We requested an inquiry at the United States Postal Office and a letter with the tracking number (7004 28980 0037 4444 2219) they gave us has never been mailed.

As a result the order issued by this Honorable Court (524) on January 16, 2008 for defendants to pay on or before February 15, 2008 the outstanding \$10,596.53 plus interest with an admonishment that failure to comply will result in a penalty of \$1,000.00 per day late has not been fully complied with by defendants.

At the hearing held on February 28, 2008 to discuss defendants "Motion for Reconsideration" (526) we agreed that the Municipality of Adjuntas would pay the amount of \$420,000.00 on or before March 15, 2008, and not the \$620,000.00 previously ordered. It was discussed and agreed that the check in payment of this amount was to be sent to the subscriber for distribution, so that plaintiffs would receive their share (62 plaintiffs, this is \$6,774.19 per plaintiff) before March 19, 2008. With defendants knowledge we called a meeting of all 62 plaintiffs for this date, in order for them to receive the partial payment and to discuss the financial plan that was to be presented by the Municipality of Adjuntas for the payment of the Final Judgment.

The Court will recall that we specifically requested defendants not to deposit the check with the clerk since it would take longer to collect the money because of the procedures of the disbursement of funds that the clerks office has to follow. They told us that the check was going to be sent to us. We believed them and we set the meeting with plaintiffs. To our dismay once again we face the difficult position to inform plaintiffs that defendants did not comply with their agreements since the check was not sent to us but instead deposited at the clerks office.

As we told defendants at the conference held in chambers we have to deal with a

mayor that is publicly saying that he will not be held in contempt of Court and that he has an implicit waiver to decide when and how to comply with the agreement reached in this case. The Court will recall that the Judgment entered was by stipulation and that the mayor led us to believe and he told the Court, that he could pay the Final Judgment in 120 days. This was by March 15, 2007 more than a year ago and now he simply says that he does not have the money, therefore, he can pay when and how he pleases.

To make matters worse defendants filed a motion (549) informing the court their compliance of filing the financial plan for the payment of the Final Judgment and no such plan was included with the Motion. So we have to face 62 plaintiffs at a meeting tomorrow in Adjuntas to inform them that they won't be able to collect the partial payment for at least another week because defendants did not comply with the agreement they made and that we can not discuss the terms and conditions of the financial plan because we have not received a copy of the same.

This Honorable Court will recall that the mayor that dismissed the plaintiffs, Hon. Roberto Vera-Monroig was a member of the PDP, plaintiffs being members of the NPP. The Court on various occasions admonished defendant Vera-Monroig of his duty and obligation to comply with the Court's orders. The fact that the actual mayor is a member of the same political party to which plaintiffs belong doesn't allow him to decide when and how to comply with this Court's order and with the agreements reached with the subscriber.

It would also be proper that this Court orders Mayor, Jaime Barlucea to abstain from referring or mentioning incidents related to this case in his political radio program. His comments are false and as a consequence has generated confusion and misinterpretations of the procedures that are being held before this Honorable Court since the settlement agreement.

WHEREFORE, we respectfully requested from this Honorable Court that:

First, that the \$1,000.00 sanction per day be imposed to defendants for failure to fully comply with this Honorable Court January 16, 2008 order (524) as to the outstanding payment of the balance with interest of the Judgment entered on March 8, 2002.

Second, that sanctions be imposed on defendants for not complying with the order to file the financial plan on or before March 15, 2008 and not serving the subscriber with copy of the same.

Third, that defendants be admonished that agreements as to the way to make a payment is binding since counsels are officers of the Court.

Fourth, that defendant, Jaime Barlucea be ordered as mayor of the City of Adjuntas and as political candidate for re-election not to mention again in his political speeches matters related to this case, to plaintiffs counsel or to the presiding Judge in this case, Hon. Jaime Pieras.

I hereby certify that on this date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the attorneys on record.

RESPECTFULLY SUBMITTED.

In Aguadilla, Puerto Rico, this 18 day of March 2008.

s/ Israel Roldán González
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